



May 11, 2010

Dear Senator Schumer, Senator Bennett and Members of the Senate Rules Committee:

Thank you, Chairman Schumer and Ranking Member Bennett, for holding this very important hearing to discuss H.R. 1604, The Universal Right to Vote by Mail and H.R. 2501, The Absentee Ballot Track, Receive and Confirm Act and thank you for the opportunity to join in the conversation around [Voting By Mail: An Examination of State and Local Experiences](#). The American Association of People with Disabilities (AAPD) is the largest national cross-disability membership organization in the United States, dedicated to ensuring economic self-sufficiency and political empowerment for more than 50 million Americans with disabilities. AAPD works in coalition with other disability organizations for the full implementation and enforcement of disability nondiscrimination laws, particularly the Help America Vote Act, the National Voter Registration Act, the Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2009, and the Rehabilitation Act of 1973.

I am Jim Dickson, Vice President of Organizing and Civic Engagement at AAPD. In a variety of capacities, I have 28 years experience organizing on non-partisan voter registration and education issues. With Sandy Newman and others I helped create Project Vote, the nation's foremost nonpartisan voter registration and education organization. I am honored to have been appointed to the United States Election Assistance Commission's board of advisors by Senators Dodd, Feinstein, and Reed and am currently serving as Chair of that board.

I have dedicated my life to the voting rights of people with and without disabilities because, as Taylor Branch put it, "Our nation is a great cathedral of votes - votes not only for Congress and for President, but also votes on the Supreme Court and on countless juries. Votes govern the boards of great corporations and tiny charities alike. Visibly and invisibly, everything runs on votes. And every vote is nothing but a piece of nonviolence." (April 6, 2008 New York Times) I am proud to report that due to the sustained efforts of advocates, legislators, and civil servants across the nation we are closer than ever before to voting equality for people with disabilities in the United States.

In the 2008 Presidential Election, 14.7 million Americans with disabilities voted according to the Community Participation Survey of the United States Census. The raw census numbers have been analyzed by Professors Doug Kruse and Lisa Schur of Rutgers. Their report and summary with a state by state breakdown of disability voter participation is available at [http://www.kintera.com/atf/cf/%7Bef7ab230-f758-4c6b-8cea-916d9108bfee%7D/Full\\_9pg\\_2008\\_Voter\\_Turnout\\_Rutgers.doc](http://www.kintera.com/atf/cf/%7Bef7ab230-f758-4c6b-8cea-916d9108bfee%7D/Full_9pg_2008_Voter_Turnout_Rutgers.doc). The Senate Rules Committee is to be congratulated because your passage of HAVA was a major contributor to our increased voter participation. Between 2000 and 2008, the turnout amongst the able-bodied rose by 25%. In the same time period the turnout of people with disabilities rose by 34%. In other words, an additional 3.8 Americans with disabilities voted in 2008. The committee's foresight and conviction that voting must be accessible were major factors behind these stunning gains.

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AAPD believes that any legislation should include the concept of “single agent independence.” Developed by Ted Selker of Carnegie Mellon-Silicon Valley, this principle is simply that throughout the voting process, at each point where a ballot is handled, there must be at least two agents observing and recording the interaction. Single agent independence will reduce the possibility of fraud as well as inadvertent human error.

It has become very clear that Americans, including Americans with disabilities, are looking for greater access and more convenience when it comes to voting. Since 2000, there has been a significant increase in the percentage of voters voting from home; voting early, at home or at specific sites; and an increase in the use of technology to serve voters.

In the presidential election of 2008, an unprecedented number of Americans voted at places other than their polling place, either at early voting locations or increasingly from home by absentee ballot. Two states—Oregon and Washington—now conduct all their elections by mail. It is time that the United States look at modern and innovative channels to allow voters with disabilities the same ability to vote independently and privately at home as other Americans enjoy. It is essential that any vote-by-mail legislation maintain the accessibility requirements and specifically “the opportunity to vote privately and independently” established by HAVA (§301). Technology exists that would allow privacy and independence for absentee voting.

Many voters with disabilities utilize computer technology in their daily lives as they communicate with others and conduct day-to-day transactions, just like other Americans. These voters utilize their own assistive devices with their computers to use the internet on a regular basis. At the same time, it should also be recognized that there are many Americans with disabilities who do not use computers—but do conduct normal transactions in their everyday life using the telephone. While the private sector has been utilizing telephone and internet voting for some time, the public sector still has a long way to go to provide adequate and equal access for all voters—especially for voters with disabilities. Telephone and computer voting produces a paper ballot that is printed in the security of the election office. Thus, they are secure and accessible ways to vote.

### **Private Sector**

We all know the private sector utilizes the internet and telephone to for voting purposes. The American Arbitration Association has used telephone voting for years to resolve disputes (<http://www.adr.org/sp.asp?id=29490>). There are plenty of companies that conduct their shareholder elections online or using the telephone ([http://www.rtc.com/corp/telephone\\_internet\\_voting.asp](http://www.rtc.com/corp/telephone_internet_voting.asp)). Many political parties have used internet and telephone voting to elect their party leaders and candidates. In 2008, Democrats Abroad, a branch of the Democratic National Committee, conducted the first Global primary using the Internet (<http://www.bluemassgroup.com/showDiary.do?diaryId=10146>).

The two most-watch television shows in America this year and this week are “Dancing with the Stars” and “American Idol”. Each week, millions of Americans, including those with disabilities, make their voices heard on these shows by using their telephone and the home computers to vote for their favorites.

## Public Sector

Innovative voting techniques are being used around the world to serve voters at home. Many countries in Europe are ahead of the curve in offering pilot programs and innovations in elections. For example, Switzerland, Estonia and the Netherlands have all used telephone voting for their citizens in public elections (<http://aceproject.org/ace-en/topics/va/201de-voting201d-and-external-voting/remote-e-voting-and-external-voting>). In the U.K., in 2003 and 2007 pilots were conducted to allow for telephone voting in local elections, with a particular emphasis on access for people with disabilities and the elderly.

Furthermore, it should be noted that voting over the Internet and by telephone is not a new concept to certain areas of the federal government of the United States. The US Federal Labor Relations Authority published a news release earlier this year promoting its efforts to allow labor and other organizations to use an internet and telephone voting system to settle disputes ([http://www.flra.gov/webfm\\_send/228](http://www.flra.gov/webfm_send/228)).

Since 2005 in the United States, telephone voting has been used at polling places in states including Vermont, New Hampshire, Oregon and Oklahoma to fulfill HAVA's requirements to allow disabled voters to cast their ballots privately and independently.

In 2009, voters in the City and County of Honolulu voted in Neighborhood Board elections using only the channels of internet or telephone voting. These innovations saved the city two thirds the cost of the election and provided voting accessibility from the comfort of one's home.  
<http://www.honolulu.gov/NCO/2009electionfaq.htm>

In the 2009 primary and general elections in Franklin County, Washington, a vote by mail county, innovative County Auditor Zona Lenhart, who was not pleased with the very small use of voting devices at her offices for disabled voters, decided to conduct a pilot election whereby voters with disabilities were targeted and encouraged to use their own assistive devices at home to mark their ballot over the Internet, and print it to send back. The result was that instead of a handful of voters with disabilities using her voting devices, a significant 158 voters voted from home in the 2009 general election. In a survey of those voters, 94% indicated they were pleased with the system and would use it again.  
<http://www.tri-cityherald.com/2009/10/09/747751/online-voting-makes-progress-in.html>

For a variety of reasons including transport issues and physical stamina limitations, a significant percentage of Americans with disabilities vote absentee. Unfortunately, current absentee voting systems in the US often require voters with disabilities to sacrifice their rights to privacy and independence. The types of disabilities that affected by this concern go well beyond blindness and low-vision and included people with learning disabilities, paralysis, Parkinson's Disease, and arthritis. AAPD's position is that people with disabilities should have all of the same options in voting as other citizens without having to surrender their rights to privacy and independence in voting.

In conclusion, AAPD supports the concept of making absentee voting easier. However, we would oppose any legislation that does not maintain the high accessibility standards guaranteed by HAVA. We also believe that voting in person, at a polling place is an important civic and community activity, and we would oppose legislation that leads to an all-absentee voting system.

Sincerely,  
Jim Dickson  
Vice President of Organizing and Civic Engagement